

STEPHEN P. SWINTON (106398)
J. CHRISTOPHER JACZKO (149317)
COOLEY GODWARD LLP
4401 Eastgate Mall
San Diego, California 92121
Telephone: (858) 550-6000
Facsimile: (858) 550-6420

R. WILLIAM BOWEN, JR. (102178)
GEN-PROBE, INC.
10210 Genetic Center Drive
San Diego, California 92121-4362
Telephone: (858) 410-8918
Facsimile: (858) 410-8637

Attorneys for Plaintiff
GEN-PROBE, INCORPORATED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GEN-PROBE INCORPORATED,

Plaintiff,

v.

VYSIS, INC.,

Defendant.

No. 99CV2668H AJB

REPLY NOTICE OF LODGMENT IN SUPPORT OF
PLAINTIFF GEN-PROBE INCORPORATED'S
MOTION FOR PARTIAL SUMMARY JUDGMENT
OF NON-INFRINGEMENT UNDER THE DOCTRINE
OF EQUIVALENTS

DATE: November 19, 2001
TIME: 10:30 a.m.
DEPT.: Courtroom 1

HONORABLE MARILYN L. HUFF

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that Plaintiff Gen-Probe Incorporated hereby lodges the following exhibits in support of its Reply Motion for Partial Summary Judgment of Non-infringement Under the Doctrine of Equivalents:

Exhibit 1: A true and correct copy of the excerpts of the not yet certified transcript of the deposition of Dr. David Persing, taken November 12, 2001.

Exhibit 2: A true and correct copy of an excerpt from D. Persing, M. Landry, "In Vitro Amplification Techniques for the Detection of Nucleic Acids: New Tools for the Diagnostic

1 Laboratory," Yale J. Biology and Medicine 62: 159, 162 (1989).

2 Exhibit 3: A true and correct copy of an excerpt from D. Persing, "In Vitro Nucleic Acid
3 Amplification Techniques," Diagnostic Molecular Microbiology, at 58 (Persing et al., eds. 1993)

4 Exhibit 4: A true and correct copy of an excerpt from T. White, R. Mandej, D. Persing,
5 "The Polymerase Chain Reaction: Clinical Applications," Advances in Clinical Chemistry 29:
6 161, 164 (1992).

7 Exhibit 5: A true and correct copy of an excerpt from Y. Tang, G. Procop, and D. Persing,
8 "Molecular Diagnostics of Infectious Diseases," Clinical Chemistry 43: 11: 2021, 2028 (1997).

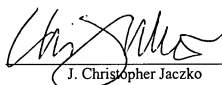
9 Exhibit 6: True and correct copies of the certified transcript of the deposition of Donald
10 Neil Halbert, Ph.D., taken April 19, 2001.

11 Exhibit 7: A true and correct copy of excerpts of the transcript of the deposition of
12 Jonathon M. Lawrie, Ph.D., taken February 15, 2001.

13 Dated: November 13, 2001

14 STEPHEN P. SWINTON
15 J. CHRISTOPHER JACZKO
16 COOLEY GODWARD LLP

17 R. WILLIAM BOWEN, JR.
18 GEN-PROBE, INC.

19 By: 
20 J. Christopher Jaczko

21 Attorneys for Plaintiff
22 GEN-PROBE INCORPORATED
23
24
25
26
27
28